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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of David Potts

Date: June 17, 2004

Serial No. 10/053,284

Examiner: Fred Prince

Filed: 1/17/02

Art Group: 1724

For: Heating a leach field

Atty Docket No. 2104

To: Commissioner of Patents & Trademarks

AMENDMENT OF CLAIMS AFTER FINAL REJECTION

& SUBMITTAL OF FORMAL DRAWINGS

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This is in response to the office action of March 17, 2004.

1. Applicant encloses 8 sheets of formal drawings, to replace the drawings in the application.
2. Applicant requests amendment of the specification at pages 5 and 12, as shown in the attachment. Mundane corrections are made
3. Applicant requests entry of amendment of claims 17, as shown in the attached list of claims. Claims 17 and 18 were rejected under 35 USC 102/103 based on the Benson patent reference.

If the examiner will enter the amendment, but will still reject the claims after the reconsideration requested just below, then applicant cancels claims 17 and 18.

4. Applicant requests reconsideration of the rejection of claim 17. Applicant has included in claim 17 the matter which is in allowable claim 1, which matter specifies the kind of leach field, which is one in which wastewater is treated in a biochemical way in and aerobic influence zone. Applicant might have written the claim better and more specifically, previous to this. Applicant submits the amendment makes the claim allowable because the method is not obvious.

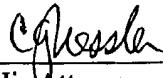
Applicant believes that Benson's reference is to a generic, as distinct from the leach field of claim 17. "Leach field" is a generic term which applies to some subterranean structure which percolates water into soil or other media. It is known that, to prevent runoff into streams, heavy rainwater runoff golf greens and sports fields is sometimes ducted into such subterranean structures, which have been referred to as leach fields. (More distinctly, such kinds of apparatus are now more likely called stormwater systems or stormwater chambers.)

There is no suggestion that any water associated with golf greens or sports fields should be

treated in the way in which waste water is, i.e., aerobically in an influence zone. Notwithstanding applicant's previous contention about the non-teaching of the Benson's one sentence, from Benson, the only purpose of any heating of soil through air flow would be to encourage surface vegetation to grow.

If claim 17 is allowed, claim 18 ought to be allowed by virtue of its dependency, at least.

Respectfully submitted,  
DAVID A. POTTS

By   
His Attorney

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Bo 1450, Alexandria, VA 22313-1450 on June 17, 2004

  
C. G. Nessler